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Waste Management Division**APPLICATION FORM TO:**

TRANSFER A SOLID WASTE MANAGEMENT FACILITY PERMIT

*pursuant to****RSA 149-M and the provisions for a type IV permit modification in Part Env-Wm 315 of the New Hampshire Solid Waste Rules*****APPLICATION FILING AND PROCESSING INSTRUCTIONS**

- (1) Complete this form by providing all of the information requested. If you need more space than provided on the form to answer a particular question and you are using a paper copy of this form, attach additional pages as necessary; mark each page clearly to show both the applicant name and the question being answered; and indicate on the form that the additional pages are attached. If you are using a disk version of this form and need more space to answer a particular question, you may create the additional space on the form itself by following the instructions provided on the disk.
- (2) Submit **THREE** copies of the completed application form, **EACH bearing ORIGINAL signatures**, to the following address:

**New Hampshire Department of Environmental Services (DES)
Waste Management Division (WMD)
Permitting & Design Review Section (P&DRS)
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095**
- (3) Include the required fee (\$1000) with your submittal. Make checks or money orders payable to "TREASURER, State of New Hampshire."
- (4) All references on this form beginning with "Env-Wm" are citations from the NH Solid Waste Rules (Rules). You may obtain a copy of the Rules from the DES Public Information and Permitting Office at (603) 271-2975. The Rules are also available on the Internet at <http://www.des.state.nh.us>.
- (5) DES will process your application in conformance with the requirements of Env-Wm 304 and Env-Wm 305.
- (6) For further assistance with completing this form, or to obtain a disk copy of this form, contact the DES Permitting & Design Review Section (P&DRS) at (603) 271-2925 or at the above noted mailing address.
- (7) You may also contact DES at TDD Access: Relay NH 1-800-735-2964.

SECTION I. FACILITY IDENTIFICATION

(1)	Facility name:
(2)	Functional classification: <input type="checkbox"/> collection/storage/transfer <input type="checkbox"/> processing/treatment <input type="checkbox"/> landfill
(3)	Facility mailing address:
(4)	Permit number:
(5)	Facility location, by street address and municipality:

SECTION II. PERMITTEE/APPLICANT IDENTIFICATION

(1)	Provide the following information for the <u>existing permittee</u> :
(a)	Name of existing permittee:
(b)	Mailing address:
(c)	Telephone number:

	(d)	If different than above, identify the individual associated with and designated by the existing permittee to be the contact individual for matters concerning this application:	
	i.	Name:	ii. Title:
	iii.	Mailing address:	
	iv.	Telephone number:	
(2)	Provide the following information for the <u>proposed new permittee</u> :		
	(a)	Name of proposed new permittee:	
	(b)	Mailing address:	
	(c)	Telephone number:	
	(d)	If different than above, identify the individual associated with and designated by the proposed new permittee to be the contact individual for matters concerning this application and the facility:	
	i.	Name:	ii. Title:
	iii.	Mailing address:	
	iv.	Telephone:	
	(e)	If the proposed new permittee is an individual, provide date of birth and go to Section III:	
	(f)	If the proposed new permittee is a corporation, partnership or other association, provide the following information:	
	i.	The proposed new permittee is owned by a: <input type="checkbox"/> corporation <input type="checkbox"/> partnership <input type="checkbox"/> other association	
	ii.	State of incorporation/formation:	
	iii.	Principal business address:	
	iv.	Provide, on separate paper and attach/mark as "Attachment II(2)(f)," the names and addresses of all directors, officers and shareholders(*), if for a corporation; all partners (whether general or limited), if for a partnership; or all principals, members or participants, if for another type of association.	
		(*) For a privately held corporation, identify all shareholders. For a publicly traded corporation, identify all shareholders owning 10% or more of the corporation's equity or debt.	

SECTION III. FACILITY OPERATOR IDENTIFICATION

(1)	Who will be the facility operator following transfer of the permit?		
	<input type="checkbox"/>	The proposed new permittee, as identified in Section II above. <i>[Skip question (2) below and go to question (3)]</i>	
	<input type="checkbox"/>	The current facility operator, as identified in (2) below. <i>[Answer question (2) below and go to Section IV]</i>	
	<input type="checkbox"/>	Another individual or entity, as identified in (2) below. <i>[Answer both questions (2) & (3) below and go to Section IV]</i>	
(2)	Provide the following information for the <u>post-transfer facility operator</u> , if different than the proposed new permittee identified in Section II above:		
	(a)	Name of post-transfer operator:	
	(b)	Mailing address:	
	(c)	Telephone number:	
	(d)	If different than above, identify the individual associated with and designated by the post-transfer operator to be the contact individual for matters concerning this facility:	
	i.	Name:	ii. Title:
	iii.	Mailing address:	
	iv.	Telephone number:	
	(e)	If the post-transfer operator is an individual, provide date of birth and go to Section IV:	
	(f)	If the post-transfer operator is a corporation, partnership or association, provide the following information:	
	i.	The post-transfer operator is a: <input type="checkbox"/> corporation <input type="checkbox"/> partnership <input type="checkbox"/> other association	
	ii.	State of incorporation/formation:	
	iii.	Principal business address:	
	iv.	Provide, on separate paper and attach/mark as "Attachment III(2)(f)," the names and addresses of all directors, officers and shareholders(*), if for a corporation; all partners (whether general or limited), if for a partnership; or all principals, members or participants, if for another type of association.	
		(*) For a privately held corporation, identify all shareholders. For a publicly traded corporation, identify all shareholders owning 10% or more of the corporation's equity or debt.	
(3)	If the operator is changing, submit proof of operator certification pursuant to Env-Wm 2705.07 and Env-Wm 3300, as follows <u>[check the option(s) which apply to your situation and provide the specified information]</u> :		
	<input type="checkbox"/>	Copies of current operator certificate(s) for the following individuals are attached and marked "Attachment III(3)" (name the individuals):	
	<input type="checkbox"/>	The following individuals have obtained interim operator certification and are enrolled in the next available operator certification program (name the individuals):	
	<input type="checkbox"/>	This facility is an emergency permit or research & development permit facility and is therefore exempt from the formal operator certification requirements in Env-Wm 3300.	
	<input type="checkbox"/>	Other proof is attached and marked as "Attachment III(3)."	

SECTION IV. PROPERTY OWNER IDENTIFICATION

(1)	Who will own the property following transfer of the permit?
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	<input type="checkbox"/>	The proposed new permittee, as identified in Section II above. <i>[Skip question (2) below and go to Section V]</i>
	<input type="checkbox"/>	The current property owner, as identified in (2) below. <i>[Answer question (2) below and go to Section V]</i>
	<input type="checkbox"/>	Another individual or entity, as identified in (2) below. <i>[Answer question (2) below and go to Section V]</i>
(2)	Provide the following information for the <u>post-transfer property owner</u> , if different than the proposed new permittee identified in Section II above:	
	(a)	Name of post-transfer property owner:
	(b)	Mailing address:
	(c)	Telephone number:
	(d)	If different than above, identify the individual associated with and designated by the post-transfer property owner to be the contact individual for matters concerning this facility:
	i.	Name:
	ii.	Title:
	iii.	Mailing address:
	iv.	Telephone number:
	(e)	If the post-transfer property owner is an individual, provide date of birth and go to Section V:
	(f)	If the post-transfer property owner is a corporation, partnership or association, provide the following information:
	i.	The facility is owned by a: <input type="checkbox"/> corporation <input type="checkbox"/> partnership <input type="checkbox"/> other association
	ii.	State of incorporation/formation:
	iii.	Principal business address:
	iv.	Provide, on separate paper and attach/mark as "Attachment IV(2)(f)," the names and addresses of all directors, officers and shareholders(*), if for a corporation; all partners (whether general or limited), if for a partnership; or all principals, members or participants, if for another type of association.
	(*) For a privately held corporation, identify <u>all</u> shareholders. For a publicly traded corporation, identify all shareholders owning 10% or more of the corporation's equity or debt.	

SECTION V. PERMIT CONDITIONS REQUIRING MODIFICATION TO EFFECT TRANSFER

Review all terms and conditions of the permit. Identify each written permit condition that requires amendment to affect the proposed permit transfer. Provide draft language for the same. Submit as "Attachment V." If no terms and conditions, other than the identity of the permittee, operator and/or property owner, requires a change, check here: ☐

SECTION VI. FINANCIAL ASSURANCE PLAN

Provide a financial assurance plan by the proposed new permittee for the current cost of closing the facility, pursuant to the requirements in Env-Wm 3100. Submit as "Attachment VI." To obtain a facility closure cost estimation form and "templates" for preparing certain financial assurance instruments (e.g., letters of credit, trust agreements, surety bonds, etc.), telephone the solid waste financial assurance program coordinator at (603) 271-2925.

SECTION VII. SCHEDULE

Specify the date by which permit transfer is intended to occur:

SECTION VIII. IDENTIFICATION AND STATUS OF ALL OTHER PERMITS

Complete the following table to identify and provide the status of all other permits or approvals necessary to affect this permit transfer. If none, check here: ☐

Type of Permit/Approval Required	Date the Application was/will be Submitted	Status/Comments

SECTION IX: PROOF OF NOTIFICATION AND OTHER FILINGS

Submit proof of having provided certain legal notifications and filings, as follows:

- (1) You must send by certified mail, or deliver in hand, a complete copy of this application to the host municipality and host solid waste management district with a "notice of filing" as specified by Env-Wm 303. [To obtain the name and address of the host solid waste management district, contact the host municipality or the DES Planning & Community Assistance Section at (603) 271-2900].
- (2) You must send by certified mail, or deliver in hand, a "notice of filing" to each owner of property abutting the facility site. If the existing permittee and/or the proposed new permittee owns any adjoining parcel, you must provide the notice of filing to the owner(s) of the next parcel(s) not owned by either the existing or proposed permittee.
- (3) You must also provide a "notice of filing" to the New Hampshire Department of Justice/Office of Attorney General if, pursuant to Section X of this form, you are required to submit disclosure information.
- (4) Submit, with this application, proof that notification has been provided as required by (1) through (3) above. Do so by attaching a copy of the notice(s) of filing and signature(s) of all required recipients, acknowledging receipt. Note: this application CANNOT be deemed complete until such proof is provided.
- (5) If you require further assistance with preparing the required notices of filing, refer to Env-Wm 303 or to "A Guide to Preparing Notices of Filing." If the guide is not included with this application form, you may obtain a copy from the P&DRS at (603) 271-2925.

SECTION X: DISCLOSURE/BACKGROUND INVESTIGATION INFORMATION

Unless the proposed new permittee is a government unit or agency or subdivision of the state or the permit being transferred is an emergency permit, the proposed new permittee must provide as part of this application certain "personal and business disclosure information." The information will be used to facilitate a background investigation by the New Hampshire Department of Justice/Office of Attorney General (NHDoJ/AGO) pursuant to RSA 149-M:9,III and IX. The information is provided by completing two different forms, one for personal disclosure information and one for business disclosure information. The number and type of forms to be completed depends on whether the proposed new permittee is an individual or a non-individual and whether the proposed new permittee, facility operator and property owner are the same. The forms provide specific instructions for determining which individuals and entities must complete the forms. Submit the completed forms direct to the NH DoJ/AGO, Environmental Protection Bureau, 33 Capitol St., Concord, NH 03301-6397 with a "Notice of Filing" as specified by Section IX(3) of this form. Do NOT submit copies of the completed personal and business disclosure forms to DES.

Note: If the personal and business disclosure forms are not included with this permit transfer application package, you may obtain copies from the P&DRS at (603) 271-2925.

Note also: The applicant shall pay the cost incurred by the NH DoJ/AGO to complete the background investigation and prepare a report to DES. An invoice will be sent by the NH DoJ/AGO and payment will be due upon receipt.

SECTION XI: CERTIFICATION OF COMPLIANCE/COMPLIANCE REPORT

Both the existing permittee and the proposed new permittee must submit either certification of compliance or a compliance report. If you are able to certify that each of the following statements is true, do so by your signature. If you are unable to certify that each of the following statements are true, you must prepare and submit a separate Compliance Report as specified by Env-Wm 303.15. Mark the Compliance Report as "Attachment XI".

COMPLIANCE STATEMENT BY EXISTING PERMITTEE

The existing permittee shall certify that each of the statements listed in (1) - (8) below are true for each of the following individuals and entities:

- ☐ the existing permittee;
- ☐ the existing facility owner;
- ☐ the existing facility operator;
- ☐ all individuals and entities holding 10% or more of the existing permittee's debt or equity;
- ☐ all of the existing permittee's officers, directors and partners; and
- ☐ all individuals and entities having managerial, supervisory or substantial decision making authority and responsibility for the management of facility operations.

- (1) No individual or entity listed above has been convicted of or plead guilty or no contest to a felony in any state or federal court during the 5 years before the date of the application;

(2)	No individual or entity listed above has been convicted of or plead guilty or no contest to a misdemeanor for a violation of environmental statutes or rules in any state or federal court during the 5 years before the date of the application;
(3)	No individual or entity listed above has owned or operated any hazardous or solid waste facility which has been the subject of an administrative or judicial enforcement action for a violation of environmental statutes or rules during the 5 years before the date of the application;
(4)	No individual or entity listed above has been the subject of any administrative or judicial enforcement action for a violation of environmental statutes and rules during the 5 years before the date of the application;
(5)	All hazardous and solid waste facilities owned or operated in New Hampshire by any individual or entity listed above are in compliance with either:
(a)	All applicable environmental statutes, rules, and DES permit requirements; or
(b)	A DES approved schedule for achieving compliance therewith;
(6)	All individuals and entities listed above are in compliance with all civil and criminal penalty provisions of any outstanding consent agreement, settlement, or court order to which DES is a party;
(7)	All individuals and entities listed above have paid, or are in compliance with the payment schedule for any administrative fine assessed by DES; and
(8)	All individuals and entities listed above are in compliance with all terms and conditions under every administrative order, court order or settlement agreement relating to programs implemented by DES.

Signature of the existing permittee certifying the above statements are true:

Existing Permittee Name (Print Clearly or Type) _____

Existing Permittee Signature _____

Date _____

OR

Circle the untrue statement(s) and attach a Compliance Report for the existing permittee, pursuant to Env-Wm 303.15.

COMPLIANCE STATEMENT BY PROPOSED NEW PERMITTEE

The proposed new permittee shall certify that each of the statements listed in (1) - (8) below are true for each of the following individuals and entities:

- ☐ the proposed new permittee;
- ☐ the individual or entity who will be the facility owner;
- ☐ the individual or entity who will be the facility operator;
- ☐ all individuals and entities holding 10% or more of the proposed new permittee's debt or equity;
- ☐ all of the proposed new permittee's officers, directors and partners; and
- ☐ all individual and entities having managerial, supervisory or substantial decision making authority and responsibility for the management of facility operations following permit transfer.

(1)	No individual or entity listed above has been convicted of or plead guilty or no contest to a felony in any state or federal court during the 5 years before the date of the application;
(2)	No individual or entity listed above has been convicted of or plead guilty or no contest to a misdemeanor for a violation of environmental statutes or rules in any state or federal court during the 5 years before the date of the application;
(3)	No individual or entity listed above has owned or operated any hazardous or solid waste facility which has been the subject of an administrative or judicial enforcement action for a violation of environmental statutes or rules during the 5 years before the date of the application;
(4)	No individual or entity listed above has been the subject of any administrative or judicial enforcement action for a violation of environmental statutes and rules during the 5 years before the date of the application;
(5)	All hazardous and solid waste facilities owned or operated in New Hampshire by any individual or entity listed above are in compliance with either:
(a)	All applicable environmental statutes, rules, and DES permit requirements; or
(b)	A DES approved schedule for achieving compliance therewith;
(6)	All individuals and entities listed above are in compliance with all civil and criminal penalty provisions of any outstanding consent agreement, settlement, or court order to which DES is a party;
(7)	All individuals and entities listed above have paid, or are in compliance with the payment schedule for any administrative fine assessed by DES; and
(8)	All individuals and entities listed above are in compliance with all terms and conditions under every administrative order, court order or settlement agreement relating to programs implemented by DES.

Signature of the proposed new permittee certifying the above statements are true:

Proposed New Permittee Name (Print Clearly or Type) _____

Proposed New Permittee Signature _____

Date _____

OR

Circle the untrue statement(s) and attach a Compliance Report for the proposed new permittee, pursuant to Env-Wm 303.15.

SECTION XII. APPLICANT SIGNATURE REQUIREMENTS

Both the existing permittee and the proposed new permittee must sign the following statement prior to submitting this application. All copies of the application filed with DES must bear ORIGINAL signatures. If either party is not an individual, an individual duly authorized by the party shall sign the application.

To the best of my knowledge and belief, the information and material submitted herewith is correct and complete. I understand that any approval granted by DES based on false and/or incomplete information shall be subject to revocation or suspension, and that administrative, civil or criminal penalties may also apply.

Existing Permittee Name (Print Clearly or Type) _____

Proposed New Permittee Name (Print Clearly or Type) _____

Property Owner Signature _____

Proposed New Permittee Signature _____

Date _____

Date _____

SECTION XIII. PROPERTY OWNER SIGNATURE

For applications to transfer a permit to an individual or entity that will not own the property, the property owner must also sign this form as follows. All copies of the application filed with DES must bear the property owner's ORIGINAL signature. If the property owner is not an individual, an individual duly authorized by the property owner shall sign the application.

- | | |
|-----|---|
| (1) | I hereby affirm that the proposed new permittee has or shall be granted the legal right to occupy and use the property on which the subject facility is located for the purposes specified in this application and the subject permit. |
| (2) | I hereby affirm that I shall grant access to the property for closure and post-closure monitoring of the subject facility and site as required by RSA 149-M and the <u>New Hampshire Solid Waste Rules</u> (Env-Wm 100-300 and Env-Wm 2100-3700), as amended. |

Property Owner Name (Print Clearly or Type) _____

Property Owner Signature _____

Date _____